

No. 11 (112)-80-3Lab/8959.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Hitkari Potteries Private Ltd., Industrial Area, Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 339 of 1979

between

THE WORKMEN (LIST ENCLOSED), AND THE MANAGEMENT OF M/S HITKARI  
POTTERIES PRIVATE LIMITED, INDUSTRIAL AREA, FARIDABAD

Present.—

Shri Amar Singh Sharma }  
Shri Attar Rasul Ansari } for the workmen.

Shri D. C. Bhardwaj, for the management.

#### AWARD

1. By order No. 79/44281, dated 16th October, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Hitkari Potteries, Private Limited, Industrial Area, Faridabad and its workmen (Listenclosed) for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of the workmen shown in Annexure 'A' is justified and in order? If not, to what relief the workmen are entitled to?"

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. Then the parties sought adjournments for settlement of the dispute. The management filed copy of the settlement arrived at between the parties Ex. M 1. The settlement is signed by the President, General Secretary and five representatives of the workmen. The representatives for the workmen made statements in confirmation of the settlement. I, therefore, give my award in terms of the settlement and that there is no dispute now pending for adjudication between the parties. Settlement shall form part of the award.

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated 10th July, 1980.

Endst. No. 650, dated the 2nd July, 1980.

Forwarded (four copies), alongwith copies of settlement to the Secretary to Government, of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

#### ANNEXURE A

1. Shri Gokul Parshad.
2. Shri Surju Parshad.
3. Shri Ram Achal.
4. Shri Lala Ram.
5. Shri An Singh.
6. Shri Chandan Singh.

7. Shri Subash Chander.
8. Shri Sohan Lal.
9. Shri Ram Chander.
10. Shri Ram Saboot.
11. Shri Mata Parshad.
12. Shri Sat Parkash.
13. Shri Nanoo Mal.
14. Shri Ved Parkash.
15. Shri Vishwa Nath.
16. Shri Antoo.
17. Shri Chandjima Parshad.
18. Shri Narain Singh.
19. Shri Jagan Nath.
20. Shri Sahib Dass.
21. Shri Ram Saran.
22. Shri Likhi Ram.
23. Shri Hari Singh.
24. Shri Brij Mohan.
25. Shri Roop Chand.
26. Shri Ram Naresh.
27. Shri Mohan Lal.
28. Shri Chiman Lal.
29. Shri Devi Singh.
30. Shri Kishan Singh.
31. Shri Chabi Nath.
32. Shri Khem Chand.
33. Shri Khusal Singh.
34. Shri Kunwar Singh.
35. Shri Thakur Singh.
36. Shri Har Parshad.
37. Shri Mohd. Shafiq.
38. Shri Mahavir.
39. Shri Prem Sagar.
40. Shri Sheo Parshad.
41. Shri Kirpal Dutt.

42. Shri Ram Kishan.
43. Shri Radhey Sham.
44. Shri Lal Chand.
45. Shri Gulam Waris.
46. Shri Jangeet Singh

#### MEMORANDUM OF SETTLEMENT

Name of the Parties :—M/s. Hitkari Potteries, Private Limited (Plant-I & II), Faridabad and their workmen through Hitkari Brothers Mazdoor Union (Regd.), Faridabad.

Representing Management- Shri Ved Kapoor, Managing Director & Chairman.

Representing Workmen — 1. Shri Atta Rasool Ansari, President.  
 2. Shri Kripal Dutt, Gen. Secretary.  
 3. Shri Lalla Ram, Authorised Rep.  
 4. Shri Ram Chander, -do-  
 5. Shri Gokul Parshad, -do-  
 6. Shri Chandrima Parshad, -do-  
 7. Shri Sat Parkash, -do-

#### SHORT RECITAL OF THE CASE

Whereas the Management terminated the services of 46 workmen during June, 1979 and July, 1979 on-charges of serious misconduct, the demand of reinstatement of these workmen having been referred for adjudication before the Industrial Tribunal, Haryana, Faridabad.

(Sd.) . . . .

Atta Rasool  
Ansari,

Whereas the workmen resorted to strike in the factory with effect from 29th July, 1979 which was subsequently prohibited by the Haryana Government vide order No.—ID/FD/79, dated 16th October, 1979.

(Sd.) . . . .

Dharmendra Nath,  
Deputy Labour Commissioner,  
Faridabad.

Whereas after prohibition of the strike the management repeatedly requested the striking workmen through and by notices published in newspapers and by intimations sent to the concerned workmen by post individually requiring them to report for duty.

Whereas even then 456 workmen failed to report for duty as a result of which they ceased to be in employment of the factory.

Whereas negotiations between the parties continued with the intervention of the Deputy Labour Commissioner, Faridabad.

Now, therefore, the following settlement is hereby evolved.

#### TERMS OF SETTLEMENT

1. All the 46 workmen whose services have been terminated and whose references are pending before Industrial Tribunal, Haryana, Faridabad agree and accept that they shall be treated as having been retrenched by agreement and shall be paid retrenchment compensation (except the notice pay) as admissible under section 25-F of the Industrial Disputes Act, 1947 in addition to their earned wages and leave wages, if any. In consideration of this payment all the 46 workmen forgo their right of reinstatement/re-employment and agree that no other amount (except bonus) is due to them from the Company. Accordingly the Parties will move a joint application before the Industrial Tribunal, Haryana, Faridabad, praying for no dispute award on the reference aforesaid.

2. There is a common ground between the parties that during this long period after the workmen ceased to be in employment, the management have made alternative arrangements and filled the vacancies since then. However, as a gesture of good will the management agree to re-employ about 80 to 100 workmen and in this matter give weightage for re-employment of those 80 workmen whose names have been given by the union for consideration. The management will declare the names of workmen to be re-employed within 10 days of the date hereof. Further all those workmen who are offered re-employment shall be absorbed within a period of two months.

3. It is further agreed that the remainder workmen whose names are not declared in list for re-employment and who have already ceased to be in employment of the Company shall accept to be treated as having been retrenched by agreement and shall be paid retrenchment compensation (except notice pay) admissible under section 25-F of the Industrial Disputes Act, 1947 in addition to their earned wages and leave wages, if any, in full and final settlement of their dues. Further in consideration of this payment the workmen also forego their claim of reinstatement/re-employment in the factory.

4. The management agree to extend their cooperation to the union for the withdrawal of criminal cases registered against some of the workmen.

5. Lastly the management agree that the amount payable to the workmen as settled above, shall be paid within a period of one month from the date hereof.

Signatures of the representatives of the  
workmen :

Signature of the representative of the  
Management.

1. Atta Rasool Ansari. Sd/-

(Sd.) Ved Kapoor.

2. Kripal Dutt Sd/-

3. Lalla Ram Sd/-

4. Ram Chander

5. Gokul Parkash

6. Chandrima Parshad Sd/-

7. Sat Parkash Sd/-

Witnesses :

Sd/- Chaman Lal

Sd/- Khem Chand

Sd/- N. S. Rawat

Sd/- Brij Mohan

Sd/- Sohan Lal

Sd/- Hari Singh

Sd/- Ram Kishan

Sd/- Radhey Sham

Sd/- LTI Chandan Singh

Sd/- Maha Vir

Sd/- LTI Antoo

Sd/- Roop Chand

Sd/- Khushal Mani

Sd/- Jagan Nath

Sd/- Subash Chand (LTI)

Sd/- Nanhoo Mal

Sd/- Ved Parkash Garg

Sd/- LTI Mata Parsad

Sd/- LTI Lakhi Ram

Sd/- T. C. Gautam.

Dated : 19th May, 1980.

Signed in my presence.

DHARMENDRA NATH,

Deputy Labour Commissioner,  
Faridabad.